

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

Provision of Improved)	
Telecommunications Services and)	
Speech-to-Speech Services for)	
Individuals with Hearing and Speech)	CC Docket No. 98-67
Disabilities)	
)	
National Exchange Carrier Association)	
Petition for Interim Waiver and)	
Rulemaking)	

**REPLY COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association ("CTIA")¹ hereby submits its Reply Comments in response to the Commission's *Public Notice* seeking comments on the Petition for Interim Waiver and Rulemaking ("Petition") filed by the National Exchange Carrier Association ("NECA") in the above captioned proceeding.²

The Petition, which NECA filed on behalf of the Interstate Telecommunications Relay Service Advisory Council, requests an interim waiver of Section 64.604 of the Commission's rules³ to the extent necessary to allow NECA to compensate TRS providers from the interstate TRS fund for all calls placed from wireless telecommunications devices, notwithstanding the

¹ CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

² *National Exchange Carrier Association (NECA) Petition For Interim Waiver And Rulemaking Regarding The Cost Recovery For Wireless Telecommunications Relay Service (TRS) Calls*, Public Notice, CC Docket No. 98-67, DA 03-1939 (rel. June 13, 2003).

³ See 47 C.F.R. §§ 64.404(c)(5) and 64.605(d) (2001).

actual jurisdiction of such calls. They maintain that a waiver for a two-year period is necessary to ensure the availability of relay services for wireless TRS users, pending further study of compensation methods for wireless and other TRS calls wherein determining the jurisdiction nature of the TRS call is problematic.⁴ CTIA submitted comments on September 30, 2003, supporting NECA's Petition, and notes that there have been no developments in the interim that would warrant CTIA to change its position on the issue.

While CTIA fully supports NECA's requested waiver, one commenter suggests that NECA's proposed solution to allow all wireless TRS call to be reimbursed from the interstate TRS fund "is overbroad and unnecessary."⁵ The commenter contends that based on its earlier discussions with CTIA, there is an alternative approach, *i.e.*, a clearinghouse to handle the translation of wireless TRS calls.

CTIA had initial discussions with AT&T and other relay service providers in early 2001 to discuss a myriad of ways to approach this problem. However, after a lengthy review and analysis of the data, CTIA determined that the clearinghouse approach was a lengthy, inefficient and costly way to address the jurisdictional problem associated with wireless TRS calls. Accordingly, CTIA abandoned efforts to develop and implement the clearinghouse approach and sought a more efficient and effective solution.

CTIA subsequently sought assistance from NECA, which has considerable expertise and experience with such jurisdictional issues. Based on this expertise and experience, NECA proposed an effective and efficient approach to the problem. Moreover, NECA's approach was consistent with Section 225 of the Communications Act of 1934, as amended, which requires the

⁴ Petition, at 1, 6-7.

⁵ See AT&T Comments to Petition for Interim Waiver and Rulemaking, CC Docket No. 98-67, filed July 14, 2003, 7-9.

Commission to “ensure that interstate and intrastate telecommunications relay services are available, *to the extent possible and in the most efficient manner*, to hearing-impaired and speech-impaired individuals in the United States.”⁶

As demonstrated in the NECA petition and CTIA’s initial comments, granting a waiver of the FCC’s TRS cost recovery rules will allow relay service providers to receive compensation for all calls from wireless telecommunications devices, and will help alleviate, if not eliminate, problems determining the jurisdictional nature of a wireless TRS call. Furthermore, NECA has demonstrated the de minimis impact of an interim waiver on the interstate TRS fund.⁷ Nothing has changed in the interim period of time to suggest otherwise. CTIA maintains its position that allowing the Interstate TRS Fund Administrator to compensate TRS providers for all wireless TRS calls is the most efficient and effective way for the Commission to ensure the availability of interstate and intrastate relay services to wireless TRS users. Accordingly, CTIA fully supports the NECA Petition and strongly urges the Commission to grant the Petition for an interim waiver of the Commission’s TRS cost recovery rules for all wireless TRS calls.

⁶ 47 U.S.C. § 225(b)(1) (2001)(emphasis added).

Granting the waiver is also consistent with the Commission’s decision authorizing IP Relay providers to recover their costs from the Interstate TRS Fund on an interim basis. Wireless TRS callers are similarly situated to IP relay callers in that there is no automatic method for determining if a call placed over IP Relay or over a wireless network is intrastate or interstate. CTIA recommends that the Commission accord similar treatment to wireless TRS calls. *See Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals With Hearing and Speech Disabilities*, 67 Fed. Reg. 39863 (2002) (“IP Relay Declaratory Ruling”).

⁷ Petition, at 6-7. *See also* CTIA Comments to Petition for Interim Waiver and Rulemaking, CC Docket No. 98-67, filed September 30, 2002.

CONCLUSION

For the reasons set forth above, CTIA opposes AT&T's clearinghouse proposal and fully supports NECA's Petition for interim waiver. CTIA strongly urges the Commission to grant the Petition for interim waiver, and to address soon long-term compensation methods for relay services in circumstances, such as wireless TRS call, LNP, and IP relay service, where it is impossible to determine the jurisdiction of the call from the ANI data transmitted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Marlea Leary, do hereby certify that on this 31st day of July 2003, a copy of the foregoing “Reply Comments of the Cellular Telecommunications & Internet Association” and “Motion for Acceptance of the Reply Comments of the Cellular Telecommunications & Internet Association” were served on the parties listed below either by electronic filing or U.S. First-Class Mail, postage prepaid.

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